

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JAMAAL A. MCNEIL,

Plaintiff,

V.

STATE OF NEBRASKA, et al.,

Defendants.

8:07CV149

MEMORANDUM AND ORDER

This matter is before the court on Plaintiff's Motion to Extend Time to Pay Filing Fee (filing no. 31) and Plaintiff's Motion for Status and Copy of Docket Sheet (filing no. 32).

Motion to Extend

In his Motion to Extend Time to Pay Filing Fee, Plaintiff states that he is unsure if he needs to request an extension of time to pay his filing fee, but he believes that the filing fee was sent late to the court by his institution.

When a prisoner files a lawsuit, the initial partial filing fee and subsequent installments shall be collected and remitted, as funds exist, in the manner set forth in 28 U.S.C. § 1915(b)(2). Section 1915(b)(2) states that until the full filing fee of \$350.00 is paid, the prisoner shall be obligated to pay, and the agency having custody of the prisoner shall forward to the Clerk of the court, 20 percent of the preceding month's income in such months as the account exceeds \$10.00.

These payments will be automatically deducted from the prisoner's trust account by his institution. Therefore, Plaintiff does not need to file a motion for extension of time if the payment is sent to the court late. The court's records show

that the court received a filing fee payment on behalf of Plaintiff on December 6, 2007.

Motion for Status and Copies

Next, Plaintiff's Motion for Status and Copies asks that Plaintiff be notified of "any information on the docket report that pertains to my civil cases." Plaintiff further asks for a copy of the docket sheet in this case. (Filing No. 31 at CM/ECF p. 1.) This court entered a Memorandum and Order (filing no. 29) and Judgment (filing no. 30) dismissing Plaintiff's Complaint without prejudice on January 31, 2008. The Clerk of this court mailed the plaintiff a copy of each such document. Nonetheless, Plaintiff's motion is granted in part and the Clerk of court is directed to send Plaintiff another copy of filing nos 29 and 30. In all other respects Plaintiff's motion is denied.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion to Extend Time to Pay Filing Fee (filing no. 31) is denied as moot.

2. Plaintiff's Motion for Status and Copy of the Docket sheet is granted and the Clerk of court is directed to send Plaintiff another copy of filing nos. 29 and 30. In all other respects Plaintiff's motion is denied.

May 7, 2008.

BY THE COURT:

s/Richard G. Kopf
United States District Judge